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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,730	02/10/2004	Mourad Zarouri	20028.01	2816
7590 08/10/2005				
The Law Office of Steven G. Roeder 5560 Chelsea Avenue La Jolla, CA 92037			EXAMINER PHAM, TOAN NGOC	
			ART UNIT 2632	PAPER NUMBER

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/776,730

Applicant(s)

ZAROURI, MOURAD

Examiner

Toan N. Pham

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-10, 22-31, 33-39 and 41-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Perlman (US 6,762,687).

Regarding claims 1, 22, 33 and 41: Perlman discloses a sensor assembly for monitoring movement of an object near a head-neck region of an animal, the sensor assembly comprising: a sensor that detects movement of the object near the head-neck region of the animal; and a signaling unit that generates a sensory signal that is received by the animal when the sensor detects movement of the object near the head-neck region of the animal (col. 5, lines 55-67; col. 6, lines 1-55).

Regarding claim 2: Perlman discloses the object is a body region of the animal (Fig. 1).

Regarding claims 3, 26, 34 and 42: Perlman discloses the sensor is an infrared (col. 7, lines 19-25).

Regarding claims 4, 27 and 35: Perlman discloses the sensory signal is a signal selected from the group consisting of an audible signal, a vibratory signal and a visual signal (col. 6, lines 41-55).

Regarding claim 5: Perlman discloses the sensor is coupled to the animal (Fig. 1).

Regarding claims 6, 28 and 36: Perlman discloses the sensor is positioned near a chest region of the animal (Fig. 1).

Regarding claims 7, 29 and 37: Perlman discloses the sensor is positioned on an extremity of the animal (Fig. 1).

Regarding claims 8, 31 and 39: Perlman discloses the sensor is selected from the group consisting of a directional sensor, a positional sensor and an inclination sensor (col. 7, lines 19-25).

Regarding claim 9: Perlman discloses the object is secured to an extremity of the animal (Fig. 1).

Regarding claim 10: Perlman discloses the sensory signal varies (col. 6, lines 1-25).

Regarding claim 23: Perlman discloses the first body region is a head-neck region of the animal (Fig. 1).

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Regarding claim 24: Perlman disclose the object is a second body region of the animal (Fig. 1).

Regarding claim 25: Perlman discloses the second body region is an extremity of the animal (Fig. 1).

Regarding claims 30 and 38: Perlman discloses the object is secured to a second body region of the animal (Fig. 1).

Regarding claim 43: Perlman discloses positioning a sensor that detects movement of a second body region near the first body region (Fig. 1).

Regarding claim 44: Perlman discloses the first body region is a head-neck region of the animal, and wherein the second body region is an extremity of the animal (Fig. 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-21, 32 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman (US 6,762,687) in view of DelBiondo, II et al. (US 4,965,553).

Regarding claims 11, 32 and 40: Perlman discloses a counter (217) for delaying a signal to ensure against false alarms. Perlman does not disclose a counter for monitoring the number of times that the sensor detects movement of the object near the

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head-neck region. DelBiondo, II et al. discloses a hand-near-mouth warning device in which calories are counted when the hand is near the mouth (abstract; col. 4, lines 28-41). Thus a counter is used to count when the hand (object) is near the mouth (head-neck) region. Therefore, it would have been obvious to utilize a counter as taught by DelBiondo, II, et al. in a system as disclosed by Perlman for effectively detecting when the hand is near the mouth region.

Regarding claim 12: Perlman discloses a sensor assembly for monitoring movement of an object near a head-neck region of an animal, the sensor assembly comprising: a sensor that detects movement of the object near the head-neck region of the animal. Perlman discloses a counter (217) for delaying a signal to ensure against false alarms. Perlman does not disclose a counter for monitoring the number of times that the sensor detects movement of the object near the head-neck region. DelBiondo, II et al. discloses a hand-near-mouth warning device in which calories are counted when the hand is near the mouth (abstract; col. 4, lines 28-41). Thus a counter is used to count when the hand (object) is near the mouth (head-neck) region. Therefore, it would have been obvious to utilize a counter as taught by DelBiondo, II, et al. in a system as disclosed by Perlman for effectively detecting when the hand is near the mouth region.

Regarding claim 13: Perlman discloses the object is a body region of the animal (Fig. 1).

Regarding claim 14: Perlman discloses the sensor is an infrared (col. 7, lines 19-25).

Regarding claim 15: Perlman discloses the sensor is coupled to the animal (Fig. 1).

Regarding claim 16: Perlman discloses the sensor is positioned near a chest region of the animal (Fig. 1).

Regarding claim 17: Perlman discloses the sensor is positioned on an extremity of the animal (Fig. 1).

Regarding claim 18: Perlman discloses the sensor is selected from the group consisting of a directional sensor, a positional sensor and an inclination sensor (col. 7, lines 19-25).

Regarding claim 19: Perlman discloses the object is secured to an extremity of the animal (Fig. 1).

Regarding claim 20: Perlman discloses a signaling unit that generates a sensory signal that is received by the animal when the sensor detects movement of the object near the head-neck region of the animal (col. 6, lines 1-55).

Regarding claim 21: Perlman discloses the sensory signal is a signal selected from the group consisting of an audible signal, a vibratory signal and a visual signal (col. 6, lines 41-55).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Clendenon (US 6,567,785) and Symmes (US 3,889,163) are cited to show additional personal alarm devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N. Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is <sup>571-273-8300</sup>~~703-872-9306~~.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 5, 2005

**TOAN N. PHAM**  
**PRIMARY EXAMINER**

